

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:09-cr-290

v.

HON. JANET T. NEFF

COREY LAWRENCE HALL,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant Corey Lawrence Hall has filed a motion for modification or reduction of sentence (Dkt 536) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. Probation filed its Restricted Access Sentence Modification Report (Dkt 561) finding defendant ineligible for the reduction. Defendant has filed a Response (Dkt 563).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

However, the defendant is ineligible for a reduction due to the felon in possession charge controlling, therefore not resulting in a lower guideline range. Defendant preserves the issue for

future consideration should the law change. See *Cvijetinovic v. Eberlin*, 617 F.3d 833,840 (6th Cir. 2010).

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 536) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: May 27, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge